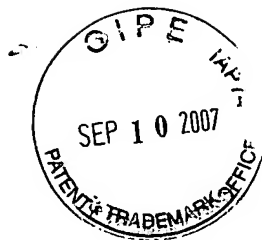


ITW



Attorney Docket: CF-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Conforti, Jeffrey :
Application No.: 10/804,419 :
Filing Date: March 19, 2004 : Date: September 6, 2007
For: Treatment of Peripheral Neuropathy :

RESPONSE TO OFFICIAL ACTION DATED AUGUST 10, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is in response to the Official Action dated August 10, 2007 response to which is set to expire one (1) month from the date thereof.

The Official Action requires restriction to one of Group I, claims 1 through 15, drawn to a method of treating peripheral neuropathy and of Group II claims 16 through 23 drawn to the article of manufacturer of an imipramine or an analog of imipramine and a substituted phenothiazine.

In response to the Examiner's requirement, Applicant hereby elects Group I, the method claims, to be examined in this application, with traverse, The claims readable on the elected method are one (1) through fifteen (15) inclusive.

I hereby certify that this paper is being deposited with the United States Postal Service via First Class Mail under C.F.R. 1.8(a)(1)(A), on the date indicated below addressed to the Status Inquiry, Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: September 6, 2007

Nicole C. Palumbo

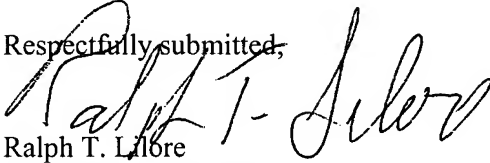
Commissioner for Patents
September 6, 2007
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The reason Applicant believes that the Examiner has erred in requiring this restriction is that by the Examiner's own statements, the classes of search are identical for both groups. Thus, the generic search for the compounds themselves in the class would perforce yield any application of those compounds, including methods for using them. Thus, the presently claimed method, if it existed, would appear in that class.

The Examiner has further required election of a single disclosed species of an imipramine and a substituted phenothiazine for prosecution on the merits if no generic claim is allowable. This is likewise traversed. In view of the identity of search classes, it is not seen how there could be a significant search burden for searching the other species claimed.

Accordingly, the following specific species are elected: desipramine as the species of imipramine and fluphenazine as the species of a substituted phenothiazine. The claims readable on the elected species are one (1) through fifteen (15) .

The Examiner's Notice of Possible Rejoinder has been noted.

Respectfully submitted,

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